

House Study Bill 708 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

A BILL FOR

1 An Act providing for management practices relating to livestock
2 technician registration, embryo transfer, and pregnancy
3 testing, providing penalties, and including contingent
4 implementation and effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 159.5, Code Supplement 2009, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 16. Establish a livestock technician
4 registration program in accordance with chapter 169B.

5 Sec. 2. Section 169.3, subsection 1, Code 2009, is amended
6 to read as follows:

7 1. "*Accepted livestock management practice*" includes but is
8 not limited to: Dehorning, castration, docking, vaccination,
9 pregnancy testing, providing embryo transfer services, clipping
10 swine needle teeth, ear notching, drawing of blood, relief of
11 bloat, draining of abscesses, branding, and other surgical
12 acts of no greater magnitude; artificial insemination,
13 collecting of semen, implanting of growth hormones, feeding
14 commercial feed defined in section 198.3, or the administration
15 ~~or of~~ prescription of drugs performed by or with the consent
16 of the owner or contract-feeder thereof of livestock, a bona
17 fide employee, or anyone rendering gratuitous assistance with
18 respect to such livestock. ~~Nothing contained herein shall be~~
19 ~~construed to permit any person except those persons enumerated~~
20 ~~in this subsection, to provide purportedly gratuitous~~
21 ~~assistance with regard to the treatment of animals other than~~
22 ~~advisory assistance, in return for the purchase of goods or~~
23 ~~services.~~

24 Sec. 3. Section 169.3, Code 2009, is amended by adding the
25 following new subsections:

26 NEW SUBSECTION. 5A. "*Embryo transfer services*" means
27 providing any of the following:

- 28 a. The synchronization or induction of livestock estrus.
29 b. The transfer or transplantation of livestock embryos.
30 c. The collection of livestock embryos.

31 NEW SUBSECTION. 7A. "*Livestock*" means the same as defined
32 in section 717.1.

33 NEW SUBSECTION. 10A. "*Pregnancy testing*" means testing
34 livestock for pregnancy including diagnosis, fetal aging or
35 fetal counting by manual or mechanical means, or biochemical

1 testing.

2 Sec. 4. Section 169.4, subsection 11, Code 2009, is amended
3 to read as follows:

4 11. Any person from advising with respect to or performing
5 accepted livestock management practices, including by providing
6 such services for a fee. A person providing embryo transfer
7 services may only administer prescription drugs to livestock
8 which have been prescribed under the order of a licensed
9 veterinarian or permit holder with whom a valid veterinary
10 client-patient relationship exists.

11 Sec. 5. Section 169.4, subsection 14, Code 2009, is amended
12 to read as follows:

13 14. Any person from collecting or evaluating semen from
14 livestock or poultry, or artificial insemination of livestock
15 ~~and poultry.~~

16 Sec. 6. Section 169.5, subsection 1, Code Supplement 2009,
17 is amended to read as follows:

18 1. a. The governor shall appoint, subject to confirmation
19 by the senate pursuant to section 2.32, a board of five
20 ~~individuals, three of whom.~~ Three of the individuals shall
21 be licensed veterinarians and two. Two of whom the
22 individuals shall not be licensed veterinarians and. Of the
23 two individuals who are not licensed, one individual shall
24 represent the general public and one individual shall be the
25 owner of livestock, the owner of an animal feeding operation as
26 defined in section 459.102, or a person who is actively engaged
27 in livestock farming. The board shall be known as the Iowa
28 board of veterinary medicine.

29 b. Each licensed veterinarian board member shall be
30 actively engaged in veterinary medicine and shall have
31 been so engaged for a period of five years immediately
32 preceding appointment, the last two of which shall have been
33 in Iowa. At least one of the licensed veterinarians shall
34 predominately practice veterinary medicine on livestock. The
35 ~~representatives~~ representative of the general public shall be

1 knowledgeable in the area of animal husbandry. A member of
2 the board shall not be employed by or have any material or
3 financial interest in any wholesale or jobbing house dealing
4 in supplies, equipment, or instruments used or useful in the
5 practice of veterinary medicine.

6 ~~c. Professional associations or societies composed of~~
7 ~~licensed veterinarians may recommend the names of potential~~
8 ~~board members to the governor, but the governor is not bound~~
9 ~~by the recommendations.~~

10 Sec. 7. NEW SECTION. 169B.1 Definitions.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "Department" means the department of agriculture and land
14 stewardship.

15 2. "Livestock" means the same as defined in section 717.1.

16 3. "Livestock technical services" means providing any of the
17 following:

18 a. Pregnancy testing as defined in 169.3.

19 b. Embryo transfer services as defined in 169.3.

20 Sec. 8. NEW SECTION. 169B.2 Certificate of registration —
21 procedures.

22 1. A person shall not provide livestock technical services
23 unless the person has a valid certificate of registration
24 issued or renewed under this section.

25 2. a. The department shall issue and renew certificates of
26 registration to persons in a manner and according to procedures
27 required by the department. A certificate of registration
28 shall remain valid for a period of two years from the date
29 of issuance or renewal. An application for the issuance or
30 renewal of a certificate of registration shall include all of
31 the following information:

32 (1) The person's name.

33 (2) The address of the person's principal place of business.

34 (3) A description of the livestock technical services that
35 the person will provide in this state.

1 (4) Any other information required by the department.

2 b. In order to retain a certificate of registration, a
3 person shall revise registration information as required to
4 keep it current.

5 3. The department shall not accept an application for the
6 issuance or renewal of a certificate of registration unless the
7 application is accompanied by a registration fee as provided
8 in section 169B.3.

9 4. The department shall provide for methods for persons to
10 submit applications, revise registration information, and pay
11 registration fees.

12 a. For the submission of applications and registration
13 information, the department may allow electronic or facsimile
14 transmission, or delivery by the United States postal service
15 or courier.

16 b. For the payment of registration fees, the department
17 may authorize payment by check or electronic funds transfer as
18 defined in section 203.1.

19 Sec. 9. NEW SECTION. **169B.3 Rate of registration fees.**

20 The department shall by rule establish the rate of fees
21 required to be paid by persons applying for the issuance or
22 renewal of a certificate of registration as provided in section
23 169B.2. The department shall establish the rate based on the
24 expected expenses incurred by the department to administer this
25 chapter. The fees shall be treated as repayment receipts as
26 defined in section 8.2. If before the end of a state fiscal
27 year as provided in section 3.12, the department has collected
28 fees in excess of the expenses incurred, it shall amend its
29 rules to adjust the rate for the next state fiscal year in
30 order to comply with this section.

31 Sec. 10. NEW SECTION. **169B.4 Civil penalty.**

32 1. A person who provides livestock technical services
33 without a valid certificate of registration as provided in
34 section 169B.2 is subject to a civil penalty of not more than
35 one hundred dollars.

1 2. The department may impose, assess, and collect civil
2 penalties provided in this section.

3 3. Civil penalties collected by the department shall be
4 deposited in the general fund of the state.

5 Sec. 11. NEW SECTION. **169B.5 Exception.**

6 This chapter does not apply to a veterinarian who obtains a
7 license or temporary permit under chapter 169.

8 Sec. 12. **LIVESTOCK TECHNICIAN CERTIFICATION STUDY.** Iowa
9 state university of science and technology, college of
10 agriculture and life sciences, in consultation with the
11 department of agriculture and land stewardship, shall conduct
12 a study on and make recommendations for the implementation
13 and financing of a certification program for livestock
14 technicians as provided in this Act. Such certification
15 program shall provide for testing to measure competency for
16 performing livestock technical services. Iowa state university
17 shall submit a report of its findings and recommendations by
18 December 31, 2010, to the legislative services agency for
19 distribution to the standing committees on agriculture in the
20 senate and house of representatives, the joint appropriations
21 subcommittee on agriculture and natural resources, and the
22 joint appropriations subcommittee on education.

23 Sec. 13. **IMPLEMENTATION.** The department of agriculture and
24 land stewardship shall not implement chapter 169B, as enacted
25 in this Act, until January 1, 2011. However, in preparation
26 for such implementation, the department may adopt rules as
27 necessary for the administration and enforcement of the chapter
28 prior to that date.

29 Sec. 14. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed
30 of immediate importance, takes effect upon enactment.

31

EXPLANATION

32 **ACCEPTED LIVESTOCK MANAGEMENT PRACTICES.** This bill amends
33 Code chapter 169, providing for veterinary practice. A person
34 is exempt from licensing requirements when providing advice
35 or performing accepted livestock management practices (Code

1 section 169.4). Pregnancy testing is an accepted livestock
2 management practice (Code section 169.3), and the bill defines
3 this to include diagnosis, fetal aging or fetal counting by
4 manual or mechanical means, or biochemical testing. The bill
5 also provides that an accepted livestock management practice
6 includes providing embryo transfer services which includes the
7 synchronization or induction of livestock estrus, the transfer
8 or transplantation of livestock embryos, and the collection
9 of livestock embryos. The bill allows persons to provide
10 assistance to a livestock owner or contract feeder, including
11 for a fee. In addition, a person providing embryo transfer
12 services may administer prescription drugs to livestock under
13 the order of a licensed veterinarian.

14 IOWA BOARD OF VETERINARY MEDICINE. The Iowa board of
15 veterinary medicine is composed of five members, three licensed
16 veterinarians and two unlicensed individuals representing the
17 general public and appointed by the governor (Code section
18 169.5). The board is responsible for overseeing the practice
19 of veterinary medicine in the state. The bill provides that at
20 least one of the licensed members must predominately practice
21 veterinary medicine on livestock and one of the nonlicensed
22 members must own livestock or an animal feeding operation, or
23 be actively engaged in livestock farming. The bill eliminates
24 a provision allowing professional veterinary associations from
25 recommending nominees to the governor.

26 LIVESTOCK TECHNICAL SERVICES. The bill, in new Code
27 chapter 169B, prohibits a person from providing livestock
28 technical services unless they have received a certificate of
29 registration issued or renewed by the department of agriculture
30 and land stewardship. Livestock technical services includes
31 providing pregnancy testing or embryo transfer services. The
32 bill provides for registration procedures. A certificate is
33 valid for two years. The department is authorized to establish
34 registration fees necessary to cover its administrative costs.
35 A veterinarian practicing under a license or temporary permit

1 is exempt from these requirements. A person who fails to
2 obtain a certificate is subject to a civil penalty of not more
3 than \$100.

4 Iowa state university, in consultation with the department
5 of agriculture and land stewardship, is required to conduct a
6 study on and make recommendations for the implementation and
7 financing of a certification program for livestock technicians.
8 The university must submit findings and recommendations to the
9 legislative services agency by the end of 2010.

10 The department is not required to implement new Code chapter
11 169B until January 1, 2011.

12 EFFECTIVE DATE. The bill takes effect upon enactment.